

REMARKS

Applicant requests reconsideration and allowance in view of the foregoing remarks. Claims 1-59 are pending, with claims 1, 15, 16, and 22 being independent. Claims 1, 4, 15, 16, 22, 25, 33, 38, and 50 have been amended. Claim 60 has been added.

Exchanging Proposed Agendas

Applicant would like to thank Examiner Nguyen for the courtesy extended to Applicant's representative in responding to a proposed agenda for a proposed interview. The Examiner indicated that no interview would be required as the Examiner understood and agreed with the arguments proposed for presentation and discussion during the prospective interview. This Reply reflects the substance of the proposed arguments leading the Examiner to conclude that the interview was unnecessary to achieve withdrawal of all pending objections and rejections.

Objection to Claim 33

Claim 33 is amended in this response so that "ima ge" now reads "image," thereby obviating the objection raised with respect to claim 33.

35 U.S.C. 112 Rejections

The Office Action noted that that the preamble of original claims 1 and 21 recited storing digital images while the body of the claim did not specifically require storing digital images. The preamble of claims 1 and 21 has now been amended to be consistent with the elements appearing in those claims, and now recites "[a] method of identifying a storage path used to store digital images."

The Office Action noted that the claims 4, 25, 38, and 50 lacked antecedent basis for "translating the extracted storage path information." Claims 4, 25, 38, and 50 are amended in this response, and now recite "the storage path information."

Claim 15 was rejected under 35 U.S.C. § 112, second paragraph for having no structure for supporting the functionality of the apparatus claim. Claim 15 is directed to a digital image storage apparatus that comprises a host. Claim 15 recites that the host is configured to perform several enumerated functions, namely the host is said to: identify a first storage facility and a directory within the first storage facility for storing a digital image, generate a first image identifier associated with the first storage facility and the directory, generate a second image identifier comprising a random number, generate a unique hash value by encrypting the first and second image identifiers, and identify a storage path using the first and second image identifiers and the unique hash value such that related digital images have unrelated storage paths. As such, claim 15 functionally recites the features of the claimed apparatus. The cited portion of the MPEP indicates “features of an apparatus may be recited either structurally or functionally.” See MPEP § 2114. Accordingly, applicant requests reconsideration and withdrawal of this rejection.

Stewart Rejection

Claims 1-13, 15-34, 36-47, and 49-59 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,389,460 (Stewart et al.). This rejection is traversed based on the following comments, which address the independent claims and their dependent claims, in turn.

Amended claim 1 recites a method of identifying a storage path used to store digital images within computer systems. A first storage facility and a directory within the first storage facility are identified. Next, two image identifiers are generated: (1) a first image identifier associated with the first storage facility and the directory; and (2) a second image identifier comprising a random number. The first and second image identifiers then are encrypted to generate a unique hash value. Finally, a storage path is identified using the first and second image identifiers and the unique hash value such that related digital images have unrelated storage paths.

Stewart's techniques operate in a substantially different manner. As a consequence, Stewart does not teach “generating a second image identifier comprising a random number” nor

does Stewart teach “identifying a storage path ... such that related digital images have unrelated storage paths”, as recited by claim 1.¹

Specifically, the Office Action notes that Stewart's cookies represent “a second image identifier comprising a random number” of this invention (Office Action, page 4). However, cookies are not random numbers. Rather, cookies contain persistent user information that is stored on user's computer for prolonged periods of time (often days or even months). Stewart recognizes these attributes as cookie attributes. In fact, Stewart even suggests that cookies and authorizations are used “for the purpose of maintaining status information and entry permission to a particular server, namely a content server.” (Stewart, Col. 16, line 18). Hence, the Stewart cookies are not random numbers; rather, they maintain persistent information to identify the user to the server during repeated HTTP sessions. Accordingly, Stewart does not disclose “generating a second image identifier comprising a random number.” For this reason, the rejection of claim 1 should be withdrawn.

Furthermore, Stewart also does not teach “identifying a storage path ... such that related digital images have unrelated storage paths” as recited by claim 1. As stated above, Stewart's use of URLs, cookies, and authorizations do not represent random numbers. As a result, operations cited by Stewart (e.g., concatenation of URL + Cookies + Authorizations) produce a constant text string for images accessed during the same HTTP session, and as a result, application of a fixed hash function to the same input string produces the same image identification string. As a result, the directory path generated by Stewart's method remains constant, and does not meet claim 1's recited limitation of “identifying a storage path ... such that related digital images have unrelated storage paths.”. This distinction is consistent with the stated purpose of Stewart's invention to store images in “a rapid and efficient manner” because users will be able to place their images in the same directory during subsequent logins (based on their login parameters) without having to explicitly identify the path to the storage directory (See Col. 17, lines 20-30).

¹ Emphasis added.

Because Stewart fails to disclose or suggest “a second image identifier comprising a random number” in order to generate “the unique hash value such that related digital images have unrelated storage paths”, Applicant respectfully requests withdrawal of the rejections of claims 1, and claims 2-14, depending therefrom.

Independent claim 15 and dependent claims 23-35; independent claim 16 and dependent claims 16-20, and 35-48; and independent claim 21 and dependent claims 48-59 recite apparatus, computer program, and method claims that recite limitations similar to those discussed above with respect to claim 1, and should be allowed for the same reasons provided above.

Independent claim 22 recites a method of monitoring digital images by receiving a complaint associated with a digital image from a first subscriber and regulating access of the first subscriber to the digital image based on the complaint. Although Stewart discloses a user requesting content through a web browser, Stewart fails to disclose the recited limitation of “a complaint associated with a digital image from a first subscriber.”

The Office Action notes that Col. 8, lines 45-65 and Col. 13 lines 13-26 disclose the recited operations. However, the portions cited in the Office Action relate to the operation of an automated proxy filter that monitors user requests for content in order to subsequently populate the content to an proxy cache (e.g., proxy cache 208 described in Col. 8). A “user request” for content is different from “a complaint.” Stewart’s user request relates to the normal operation of an image retrieval system. In contrast, as recited by independent claim 22, Applicant’s “complaint” serves as the basis for regulating access to the digital image. For example, the complaint may be used to launch an investigation (step 610), control purging operations on purging server 2418, or regulate other users’ access to the digital image. Since Stewart’s “user request” is different from Applicant’s “complaint”, Stewart does not teach “a complaint associated with a digital image from a first subscriber.” Accordingly, withdrawal and reconsideration of claim 22 is respectfully requested.

Enclosed is a \$450 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Applicant : Gary Tessman, Jr. et al.
Serial No. : 10/007,696
Filed : December 10, 2001
Page : 15 of 15

Attorney's Docket No.: 06975-
172001 / Communications 43

Date: 1/24/2005

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40262778.doc

Respectfully submitted,



Thomas Rozyłowicz
Reg. No. 50,620